

**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

31132.189

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,865,846, granted February 2, 1999 and for which a reissue patent is sought on the invention entitled Human Spinal Disc Prosthesis,

the application of which

☐ is attached hereto.

☒ was filed on November 14, 2003 as reissue application number 10/713,837
and was amended on previous dates during prosecution.

(If applicable)

I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening: This is a broadening reissue, the nature of which involves the presentation of new claims that are broader, in at least some respects, than the methods of claims 4, 8, and 9 of the patent. One error on which the reissue is based is that independent claim 4 unnecessarily included the steps of removing a vertebral disc from a patient's spine, tapping the holes, and threadably implanting an anchor. These unnecessary limitations are omitted from new claims 13, 30, and 33. An additional error on which the reissue is based is that the methods of claims 4, 8, and 9 could be construed as using overly limiting "step plus function" language under 35 U.S.C. 112, para 6, which is unnecessary to render the subject matter patentable over the art of record. New independent method claims 13, 30, and 33 refrain from the use of "step" limitations.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:



The address associated with Customer Number:

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OR

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Vincent Bryan

Inventor's signature

Date

6/9/08

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Full name of second joint inventor (given name, family name)

Alex Kunzler

Inventor's signature

Date

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La Quinta, CA 92253☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

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Full name of sole or first inventor (given name, family name)

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Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.